

February 16, 1955

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SEP 22 1998

CONCORD, N.H.

James J. Barry, Commissioner
Department of Public Welfare
State House Annex
Concord, New Hampshire

Re: Medical and Surgical Assistance Cost

Dear Mr. Barry:

You have inquired as to my opinion whether the Board of Public Welfare may shift onto towns and counties the cost of medical and surgical assistance. It is my opinion that such authority is lacking with respect to programs required to be carried out by the Board pursuant to chapter 126 of the Revised Laws.

Paragraph VI, section 6 of said chapter, requires that the Board, in cooperation with State health authorities and county and local officials, develop and administer a plan for providing medical or other remedial care. (emphasis mine) The primary duty is upon the Board to administer a health program. It can only follow that this is to be connected with and a part of other authorized programs. It is also provided by the said chapter the amount that a county or town is required to contribute. Without statutory authority additional contributions cannot be required. Any interpretation permitting shifting of medical and surgical assistance costs would have the effect of so requiring.

Very truly yours,

Richard C. Duncan
Assistant Attorney General

RCD/aml